



Indiana Department of Environmental Management
Office of Air Management
Rule Fact Sheet
August 2, 2000

**DEVELOPMENT OF AMENDMENTS TO RULES CONCERNING ACID DEPOSITION
CONTROL
#00-139(APCB)**

Overview

Amends 326 IAC 21-1-1, Acid Deposition Control, to incorporate by reference changes to Title 40 of the Code of Federal Regulations, Parts 72 through 78.

Citations Affected

Amends: 326 IAC 21-1-1

Affected Persons

Electric utilities, large boilers that choose to opt-in to the acid rain program, general public.

Potential Cost

Low. The rule incorporates requirements already in effect at the federal level.

Description

Article 21 was added to the air pollution control board rules in 1994 in order to have the legal authority to create, administer, and enforce an acid rain permitting program that is consistent with the provisions of Title IV of the Clean Air Act (CAA). Article 21 incorporates by reference the federal rules dealing with the acid rain program and defines the permitting authority as the commissioner of the department of environmental management.

This rulemaking notice proposes to incorporate by reference several revisions to existing rules that have been published in the Federal Register since October 1997. The proposed changes include:

- 62 FR 55461 (October 24, 1997), final rule on the Acid Rain Program; Revisions to Permits, Allowance System, Sulfur Dioxide Opt-ins, Continuous Emission Monitoring, Excess Emissions, and Appeal Procedures:

On October 24, 1997, U.S. EPA published in the Federal Register a final rule, Acid Rain Program; Revisions to Permits, Allowance System, Sulfur Dioxide Opt-ins, Continuous Emission Monitoring, Excess Emissions, and Appeal Procedures, that amends various portions of the Acid Rain Program rules under 40 CFR 72 through 40 CFR 78. The amendments were promulgated to streamline and improve the permitting, excess emissions, and appeal procedures rules, as well as minor aspects of the monitoring rule. The revisions streamline the Acid Rain Program and reduce the burden on utilities, state and local permitting authorities and U.S. EPA, while still ensuring achievement of the Acid Rain Program's goals of reducing sulfur dioxide and nitrogen oxides emissions. The final rule also revised the sulfur dioxide allowances for one (1) unit.

- 63 FR 18837 (April 16, 1998), final rule on the Acid Rain Program; Revisions to Sulfur Dioxide Opt-ins:
On April 16, 1998, U.S. EPA published in the Federal Register a final rule, Acid Rain Program; Revisions to Sulfur

Dioxide Opt-ins, that amends 40 CFR 74, Opt-Ins. The final rule was amended to promote participation in the Title IV opt-in program by clarifying existing regulations, allowing a limited exception to the general rule of one (1) designated representative for all affected units at a source, revising the conditions under which U.S. EPA could cancel current-year allowance allocations, and allowing thermal energy plans to be effective on a quarterly basis.

- 63 FR 57498 through 63 FR 57514 (October 27, 1998), final rule Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone:
On October 27, 1998, U.S. EPA published in the Federal Register a final rule, Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone. As part of this rulemaking, U.S. EPA included amendments to the definitions under 40 CFR 72 and amendments to the continuous emission monitoring rule under 40 CFR 75. The continuous emission monitoring rule revisions included new requirements for alternative monitoring provisions for low emitting units.
- 63 FR 68400 (December 11, 1998), final rule Revisions to the Permits and Sulfur Dioxide Allowance System Regulations Under Title IV of the Clean Air Act; Allowance Transfer Deadline and Signature Requirements:
On December 11, 1998, U.S. EPA published in the Federal Register a final rule Revisions to the Permits and Sulfur Dioxide Allowance System Regulations Under Title IV of the Clean Air Act; Allowance Transfer Deadline and Signature Requirements. This action

amended certain provisions in the permitting and allowance trading rules for the purpose of improving the operation of the Allowance Tracking System and the allowance market.

- 64 FR 28564 through 28672 (May 26, 1999), final rule Acid Rain Program; Continuous Emission Monitoring Rule Revisions:

On May 26, 1999, U.S. EPA published in the Federal Register a final rule, Acid Rain Program; Continuous Emission Monitoring Rule Revisions. Many of the revisions are minor technical revisions based on comments received by U.S. EPA following initial implementation of 40 CFR 75. Based on experience gained in the early years of the Acid Rain Program, companies developed a number of suggestions to simplify and streamline the monitoring process without sacrificing data quality. U.S. EPA also amended quality assurance requirements based on gaps identified by U.S. EPA during evaluation of the initial implementation of 40 CFR 75. U.S. EPA also included several minor technical changes in order to maintain uniformity within the rule and to clarify various provisions.

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.

6) Economic reasonableness of measuring or reducing any particular type of pollution.

7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:

(A) human, plant animal, or aquatic life; or

(B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

The amended rules are consistent with federal laws.

IDEM Contact

Additional information regarding this rulemaking action can be obtained by calling (800) 451-6027 (in Indiana), press 0 and ask for Roger Letterman, Rule Development Section, Office of Air Management, (or extension 2-8342) or dial (317) 232-8342.